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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

## SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA, ) NO. CR 20-00249 RS  
Plaintiff, )  
v. )  
ROWLAND MARCUS ANDRADE )  
Defendant. )  
) **JOINT PRETRIAL CONFERENCE**  
) **STATEMENT**  
)  
) Dept.: Courtroom 3 – 17th Floor  
) Judge: Hon. Richard Seeborg  
) Trial Date: February 10, 2025  
) Pretrial Conference: January 22, 2025  
)  
)

Pursuant to Criminal Local Rule 17.1-1(b), the United States of America (“United States”) and Defendant Rowland Marcus Andrade (“Defendant”), by and through undersigned counsel, hereby respectfully submit the following Joint Pretrial Conference Statement. Andrade is charged with one count of wire fraud and aiding and abetting wire fraud, for violating 18 U.S.C. §§ 1341, 2, and with one count of money laundering and aiding and abetting the same, for violating §§ 1956(a)(1)(A)(i), (a)(B)(i),

1 and 2. The case is set for trial on February 10, 2025, with a pretrial conference scheduled for January  
2 22, 2025 at 9:30 a.m.

3 **(1) Disclosure and contemplated use of statements or reports of witnesses under the *Jencks*  
4 Act, 18 U.S.C. § 3500, or Fed. R. Crim. P. 26.2**

5 The United States represents that it has disclosed and produced to Defendant statements and  
6 reports of witnesses it intends to call at trial under the *Jencks* Act, 18 U.S.C. § 3500, and Fed. R. Crim.  
7 P. 26.2. In preparing for trial, the government is continuing to interview witnesses and to obtain and  
8 review evidence. To the extent that the government obtains or identifies new transcripts, reports, and  
9 information, they will be provided to Defendant in compliance with the government's discovery  
10 obligations.

11 **(2) Disclosure and contemplated use of grand jury testimony of witnesses intended to be called  
12 at the trial**

13 The United States moved the Court for authorization to disclose grand jury testimony to the  
14 defense. The Court signed the Order, and the government will produce those materials within a matter  
15 of days.

16 **(3) Disclosure of exculpatory or other evidence favorable to the defendant on the issue of guilt  
17 or punishment**

18 The government represents that it has disclosed all exculpatory or other evidence in its  
19 possession favorable to the defendant on the issue of guilt or punishment. In preparing for trial, the  
20 government is continuing to interview witnesses and to obtain and review evidence. The government  
21 recognizes its obligation to continue to provide any exculpatory or impeachment materials within its  
22 possession, custody, or control. The United States understands its continuing duty to comply with  
23 Rule 16 and will do so.

24 **(4) Stipulation of facts which may be deemed proved at the trial without further proof by  
25 either party and limitation of witnesses**

26 The parties met and conferred on January 9, 2025, and discussed stipulations. At that meeting  
27 the parties discussed, but did not reach an agreement about, the stipulations below, but will continue to  
28 discuss them:

- 1 a. financial and bank records marked as exhibits on the Exhibit List are admissible.
- 2 b. All text messages, emails, social media, and documents seized from digital devices in the
- 3 investigation that led to this case are authentic.
- 4 c. All witnesses under government subpoena should be treated as being under defense
- 5 subpoena.
- 6 d. With respect to Count One, the January 12, 2018 wire transfer of \$730,000 was
- 7 transmitted in interstate commerce by means of a wire communication.

8 **(5) Appointment by the Court of interpreters under Fed. R. Crim. P. 28**

9 This trial does not require an interpreter.

10 **(6) Dismissal of counts and elimination from the case of certain issues, e.g., insanity, alibi and**  
**statute of limitations**

12 Other than potential evidentiary or factual stipulations, the United States is unaware of any issues  
 13 that can be eliminated prior to trial outside of any issues that will be resolved through the litigation of  
 14 motions *in limine*, Fed. R. Evid. 404(b), disputes regarding expert witness testimony, and the  
 15 government's Rule 15 motion concerning deposition testimony of Jack Abramoff.

16 Defendant has already noticed expert evidence of a mental condition under Fed. R. Crim. P.  
 17 12.2(b)(2). The United States does not anticipate, and therefore seeks to exclude, Defendant raising any  
 18 additional issues regarding insanity, alibi, duress, justification, or any other related issues, as Defendant  
 19 has not made any disclosures of such.

20 **(7) Joinder pursuant to Fed. R. Crim. P. 13 or the severance of trial as to any co-defendant.**

21 There are no outstanding joinder or severance issues.

22 **(8) Identification of informers, use of lineup or other identification evidence and evidence of**  
**prior convictions of defendant or any witness, etc.**

24 This trial does not involve the use of lineup or other identification evidence. This case does,  
 25 however, involve cooperating defendant witnesses Jack Abramoff, David Mata, and Brian Darrow  
 26 (should the Court permit the admission of noticed Rule 404(b) evidence), each of whom is listed on the  
 27 government's witness list. Dkt. 466. This case also involves witness testimony by one FBI agent who  
 28 worked undercover during the investigation that led to this case but who will be testifying under his true

1 name at trial.

2 **(9) Pretrial exchange of lists of witnesses intended to be called in person or by deposition to**  
**testify at trial, except those who may be called only for impeachment or rebuttal.**

3

4 The United States has already filed its witness list, dkt. 466.. The government anticipates  
 5 receiving a witness list from the defense on the day of the pretrial conference, January 22, 2025, per the  
 6 Court's order. Dkt. 456. Both parties respectfully reserve the right to revise and amend their respective  
 7 witness lists prior to and during the trial, if necessary. The government seeks leave of the Court to  
 8 obtain deposition testimony of Jack Abramoff at trial. Dkt. 460.

9 **(10) Pretrial exchange of documents, exhibits, summaries, schedules, models or diagrams**  
**intended to be offered or used at trial, except materials that may be used only for**  
**impeachment or rebuttal.**

10

11 The United States has filed its exhibit list. The government anticipates receiving an exhibit list  
 12 from the defense the day of the pretrial conference, January 22, 2025. Dkt. 456. Both parties  
 13 respectfully reserve the right to revise and amend their respective exhibit lists prior to and during the  
 14 trial, if necessary. The United States has provided summary exhibits to the defense that summarize  
 15 voluminous financial and bank records in this case. Should the Court grant the government's Motion *in*  
 16 *Limine* No. 6, dkt. 444, the government likely would remove several hundred exhibits from its exhibit  
 17 list. Further, the government continues to prepare diagrams and demonstrative aids and exhibits in  
 18 anticipation of trial and will share them with defense counsel as they are completed.

19

20 The parties have met and conferred regarding evidentiary stipulations and have not yet reached  
 21 any agreements, but will continue to work toward an agreement. Defense counsel have not yet indicated  
 22 whether they have individualized objections to exhibits on the preliminary exhibit list, although more  
 23 time is needed for such a discussion as the government filed its exhibit list on January 15, 2025. Dkt.  
 24 465. The defense has objected more generally and thematically to government evidence via defense  
 25 motions *in limine* and objections to the government's motions *in limine*, expert witness litigation, and  
 Fed. R. Evid. 404(b) litigation. *See, e.g.*, dkts. 432, 440, 452.

26 **(11) Pretrial resolution of objections to exhibits or testimony to be offered at trial**

27

28 The parties continue to discuss the possibility of entering into stipulations that would streamline  
 the presentation of evidence and shorten the trial, although no agreements have yet been reached.

The parties have filed motions *in limine* and have objected to each other's experts. To the extent that any additional objections arise after the resolution of the motions *in limine*, the parties will work to resolve the objections and, if necessary, will bring them to the attention of the Court.

**(12) Preparation of trial briefs on controverted points of law likely to arise at trial**

The United States will separately file a trial brief on or before February 3, 2025, in accordance with the Court's pretrial order. Dkt. 417.

**(13) Scheduling of the trial and of witnesses**

The United States' case-in-chief will take no more than 15 trial days, including time dedicated to jury selection and opening arguments. Until the government's case proceeds, the defense is unable to estimate the length of its case.

(14) Request to submit questionnaire for prospective jurors pursuant to Crim. L.R. 24-1, *voir dire* questions, exercise of peremptory and cause challenges and jury instructions.

The parties will file proposed questions for prospective jurors in addition to the standard questions available on the Court's website no later than January 17, 2025. Dkt. 417. The parties will file jury instructions and a verdict form concurrently with this pretrial statement on January 17, 2025, under separate covers. *Id.*

*[Remainder of page intentionally left blank.]*

## 1 (15) Any other matter which may tend to promote a fair and expeditious trial

2 The United States is unaware of any other matters to raise at this juncture that would promote a  
3 fair and expeditious trial. To the extent such matters arise after the filing of this pretrial conference  
4 statement, the United States will bring them to the Court's attention at the pretrial conference.5  
6  
7 DATED: January 17, 2025

Respectfully submitted,

8 ISMAIL J. RAMSEY  
9 United States Attorney10 /s/  
11 CHRISTIAAN HIGSMITH  
12 DAVID J. WARD  
13 Assistant United States Attorneys14 MATTHEW CHOU  
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22 MARCUS ANDRADE

